IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
Criminal Writ Petition No.2500 of 2006

Mr.Mukesh Desai — Petitioner
Vs.
Mr.Kalyan Banerjee & ors. — Respondents

Mr.C.M.Kothari for petitioner.
Mr.Rajendra Sorankar for resp.no.1.
Mr.P.A.Pol, APP for State.

CORAM: B.H.MARLAPALLE, J.

August 16, 2007.

P.C.

. Heard Mr.Kothari, the learned counsel for the petitioner. Mr.Sorankar appears for the complainant and the learned APP appears for the State.

. As per the petitioner-accused the cause of action for the complaint is entirely within the territorial jurisdiction of Vapi and the complainant - respondent no.1 is a resident of Vapi and, therefore, the complaint filed by the respondent no.1 before the learned Metropolitan Magistrate at Mumbai is not maintainable.

. The petitioner has brought on record prima facie proof to show that the respondent no.1 is a resident of Vapi.

. Having regards to this documentary evidence, the learned counsel for the respondent no.1 states that the complaint filed before the Metropolitan Magistrate will be withdrawn and a fresh complaint before the Court at Vapi will be filed.

. Hence, the process issued by the learned Metropolitan Magistrate in Criminal Case No. 2133/SS/2005 is hereby quashed and set aside with liberty to the respondent no.1 to institute a fresh complaint before the Court at Vapi. It is also made clear that the complaint that the respondent no.1 may file at Vapi will have to be considered on its own merits. Petition is disposed off accordingly.

(B.H.MARL